

REMARKS

In ¶ 2 of the Office Action, claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van de Velde (US 5,646,416) in view of Pelissier (US 6,325,759 B1). The Applicants traverse this ground of rejection for the following reasons.

At the outset, the Examiner mistakenly asserts that Van de Velde discloses a scanner having the various means recited in claim 1. In fact, what Van de Velde clearly discloses is "an identification station 4 consisting of a standard PC-based computer with keyboard, monitor and a cassette insertion port" [col. 5, lines 57-59]. A PC-based computer is not a scanner. The sole function of this identification station is to receive a cassette inside the cassette insertion port and then to write patient identification data into an EEPROM that has been incorporated into the cassette. A stimuable phosphor screen 3 is conveyed in the cassette. A radiation image of an object may be recorded on that screen by an x-ray source 2 (see Figure 1) before or after the cassette is inserted into the identification station 4. The x-ray source 2 is not part of the identification station 4. The identification station 4 inserts an identifier into the EEPROM, and in that sense, one might say that an identifier is being "joined" or "associated" with a frame of image data, i.e., the x-ray image on the phosphor screen inside the cassette. However, it is incorrect to assert that Van de Velde discloses a "scanner" having such means since, as

previously noted, the identification station is not a scanner. Patient identification data is input to the identification either via the keyboard or a network connection to a hospital information station, and that inputted information is then stored in the cassette's EEPROM. No scanning or reading of the x-ray occurs in the identification station. Instead, the x-ray is scanned and digitized at a read-out apparatus 1 [col. 4, lines 56-60; col. 7, lines 6-9]. As seen in Figure 1, the read-out apparatus 1, like the x-ray source 2, is not part of the identification station 4.

In addition, amended claim 1 recites numerous other limitations not found in the Van de Velde patent. For example, the identification station does not "send" image data with associated study identifier or report data with associated study identifier anywhere and certainly not to a serial or parallel port. Thus, the Office Action is clearly in error when it states on page 2 that Van de Velde discloses a scanner comprising: "means for sending said frame of image data and said identifier in a first format out said parallel port" as well as "means for sending said report data and said identifier in a second format out said serial port". These assertions are directly contradicted in the next sentence by the Examiner's recognition that Van de Velde "does not teach" either a parallel port or a serial port. If Van de Velde does not teach a parallel port, then how can Van de Velde possibly teach "means for sending said frame of image data and said identifier in a first format out

said parallel port" (emphasis added)?

Further, Applicant's claim 1 recites means for associating the study identifier with the frame of image data and also means for associating the study identifier with the report data. These are distinct means, not the same means. In contrast, Van de Velde teaches that the patient identification data and examination data are associated with the x-ray image by one and the same means, namely, by writing into the EEPROM on the cassette that holds the phosphor screen.

More fundamentally, the Van de Velde system has no use for Applicant's invention since the problem solved by Applicant's invention does not exist in the Van de Velde system. In Van de Velde, the identification station 4 associates an identifier with the x-ray image by writing that identifier (and other patient and examination information) into the EEPROM incorporated into the cassette that holds the x-ray image. Thus there is no issue concerning sending the image and the data separately to a remote device and then linking that image and data at the remote device by a common identifier. In Van de Velde, the image and the data are linked by the physical connection of the cassette and the EEPROM. Thus Van de Velde neither discloses nor suggests sending the image and data in different formats and separately to respective ports, each transmitted object or file having the study identifier attached.

Nor does Pelissier disclose or suggest this aspect of Applicant's invention. Although Pelissier mentions sending diagnostic images back and forth over the network shown in Figure 7, there is no discussion about transmitting images and report data separately to a remote device, each data object or file transmitted having a common stuffy identifier attached so that the images and report data can be linked at the remote site.

In support of the obviousness rejection, the Examiner states:

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the memory storing a frame of image data and a parallel port and serial port means as taught by Pelissier, because transmitting section has a serial to parallel registers blocks, transmitting sequencer and a power interface, and transmitting section can be configured to provide different driving signals for a creation of different types of images.

[Page 3 of the Office Action.] This statement mentions components of the Pelissier ultrasound imaging system that are totally irrelevant to Applicant's claimed invention. The transmitting section 306 in Figure 3 delivers driving signals to the elements of the transducer 114 (see col. 6, lines 1-4). Applicant's claim 1 does not recite a transducer or means for driving the transducer. Moreover, the above-quoted statement of obviousness has no logical connection to Applicant's claimed invention and does not even refer to any element recited in Applicant's claim 1. The "serial to parallel registers block

336" mentioned in Pelissier is nothing more than a serial data-to-parallel data converter. In other words, it converts serial data into parallel data, which parallel data is then sent to the transmitting sequencer 338. Why would it be obvious to provide parallel and serial data ports for transmitting images and data respectively to a network, as taught by the Applicant, in view of Pelissier inclusion of a serial-to-parallel converter in the section that generates signals for driving the transducer? The entire rationale for the obviousness rejection makes no sense. Since the same rationale for rejection has been applied to each of independent claims 1, 10 and 15, the Applicant submits that the rejection of claims 1-20 is utterly lacking in merit and should be withdrawn.

With regard to the rejection of claims 21 and 22, the Examiner asserts that Pelissier discloses the step of detecting report data having no study identifier, while Van de Velde discloses searching images frames for a frame having joined attributes that match attributes joined to the report data. Neither assertion has any basis in fact. In the first place, the word "search" does not appear anywhere in the Van De Velde patent (except in the Field of Search line on the cover). Moreover, the Examiner has cited column 13 of Van de Velde, which has no column 13. Apparently, the Examiner intended to cite Pelissier as teaching both the detecting and the searching steps recited in Applicant's claim 21.

If that is the case, then let us look at the cited extract at column 13, lines 7-17 of Pelissier. The cited paragraph discloses software 104 that performs a real-time scan conversion on pre-processed data, and that also provides post-processing functions such as frame averaging and edge detection. Detecting an edge in the ultrasonic image is **NOT** the same thing as "detecting report data having no study identifier associated therewith", as recited in Applicant's amended claim 21. Nor does the cited paragraph mention particular searching step recited in claim 21. Since the detecting and searching steps as recited in Applicant's claim 21 and 22 are nowhere found in Pelissier, the Examiner has presented no valid basis for the obviousness rejection and certainly has failed to establish a case for *prima facie* obviousness.

Finally, new claims 23 and 24 have been added containing limitations directed to the functionality of the scanner in relation to aspects of Applicant's graphical user interface. The elements recited in claims 23 and 24 are neither disclosed nor suggested by the Van de Velde or Pelissier patents.

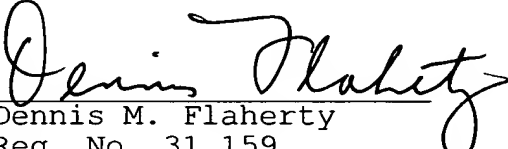
This application now has 24 total claims and 6 independent claims. The Applicant previously paid for 22 total claims and 5 independent claims. Therefore a fee in the amount of \$122.00 is required for one extra independent claim and two extra total claims. The Commissioner is hereby authorized to charge this fee, in the amount of \$122.00, to Deposit Account No. 07-0845. The fee in the amount of \$110.00 for the one-month extension of

time should also be charged to the same deposit account.

In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-24 are hereby requested.

Respectfully submitted,


November 3, 2003  
Date

  
Dennis M. Flaherty  
Reg. No. 31,159  
Ostrager Chong & Flaherty LLP  
825 Third Avenue, 30<sup>th</sup> Floor  
New York, New York 10022-7519  
Tel. No.: 212-826-6565

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

November 3, 2003  
Date

  
Dennis M. Flaherty



# ANNOTATED MARKED-UP DRAWING

6/6

26

